

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of R.D.J. JR., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JANICE MILDRETTA BROWN,

Respondent-Appellant,

and

KENNETH ALAN BROWN,

Respondent.

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UNPUBLISHED

January 25, 2005

No. 255794

Wayne Circuit Court

Family Division

LC No. 98-373787

Before: Hoekstra, P.J., and Cavanagh and Borrello, JJ.

MEMORANDUM.

Respondent-appellant appeals by right from the trial court order terminating her parental rights to her minor child under MCL 712A.19b(3)(j) and (l). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent-appellant preserved for review the limited question whether the trial court properly held the jurisdictional hearing after respondent-appellant's counsel requested adjournment. See *In re SD*, 236 Mich App 240, 243 n 2; 599 NW2d 772 (1999).<sup>1</sup>

Under MCR 3.973(D)(2)(b), a respondent in a termination proceeding has a right to be present or to be represented by an attorney. However, this does not require the trial court to

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<sup>1</sup> Any additional issues were not included in the questions presented and, therefore, not properly presented for review. MCR 7.212(C)(5); *Grand Rapids Employees Independent Union v Grand Rapids*, 235 Mich App 398, 409-410; 597 NW2d 284 (1999).

secure the respondent's presence; the court merely cannot deny the right to attend. *In re Vasquez*, 199 Mich App 44, 49; 501 NW2d 231 (1993). Under MCR 3.923(G), the trial court should grant an adjournment only for good cause, in consideration of the child's best interests, and for as short a time as possible. The court's decision is reviewed for an abuse of discretion. *In re King*, 186 Mich App 458, 466; 465 NW2d 1 (1990); see, also, *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993). In the present case, respondent-appellant failed to establish she was actually hospitalized and, therefore, failed to show good cause for an adjournment.

Further, in *In re King*, *supra* at 466, a respondent with a legitimate medical problem was found not prejudiced by her absence at a hearing because her attorney was present at the hearing, and the respondent was available for later, more important, hearings. In the present case, jurisdiction was clear because respondent-appellant's rights to other children were previously terminated. Respondent-appellant did not explain why she missed the more important dispositional hearing. Her own attorney stated that he spoke to her and expected her to attend.

Under these circumstances, the trial court did not abuse its discretion when it held the jurisdictional hearing and scheduled a later date for the dispositional phase.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Mark J. Cavanagh

/s/ Stephen L. Borrello